

## **Assembly Bill No. 57**

### **CHAPTER 673**

An act to amend Section 2333.5 of, to amend and repeal Sections 2331 and 2333 of, and to add and repeal Section 2333.6 of, the Streets and Highways Code, relating to highways.

[Approved by Governor October 14, 2007. Filed with  
Secretary of State October 14, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 57, Soto. Highways: federal funds: Safe Routes to School.**

Existing law authorizes certain state and local entities to secure and expend federal funds appropriated under the federal Highway Safety Act of 1973 for a number of programs relating to projects for the improvement of highway safety and the reduction of traffic congestion.

This bill would instead authorize those state and local entities to secure and expend federal funds appropriated under the federal act known as SAFETEA-LU for programs relating to highway safety improvements that can reduce the number of fatal and serious injury accidents, as specified. The bill would declare the Legislature's intent that these federal funds be allocated in approximately equal amounts between state highways and local roads.

Existing law requires, until January 1, 2008, the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process.

This bill would extend indefinitely the department's authority to establish and administer that program, without reference to federal law or federal funding, but would require that any federal funding received for "Safe Routes to School" projects shall be distributed under the competitive grant process. The bill would require any annual budget allocation to fund grants under the "Safe Routes to School" construction program to be in addition to any federal funding received by the state for projects under the program. The bill would also authorize the department to administer the competitive grant program, as it existed prior to the enactment of the bill, with respect to any funds allocated during the 2006–07 and 2007–08 fiscal years.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2331 of the Streets and Highways Code, as amended by Section 1 of Chapter 392 of the Statutes of 2004, is amended to read:

2331. The Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users of 2005 (Public Law 109-059), also known as SAFETEA-LU, elevated the Highway Safety Improvement Program (HSIP) to a core program (23 U.S.C. Sec. 148). SAFETEA-LU authorized appropriations for programs relating to highway safety improvements that can reduce the number of fatal and serious injury accidents. The core HSIP program includes two set-aside programs: the railway-highway crossing program (23 U.S.C. Sec. 130) and the high-risk rural roads program (23 U.S.C. Sec. 148(f)). The purpose of this chapter is to implement these programs in this state. The commission, the department, boards of supervisors, and city councils are authorized to do all things necessary in their respective jurisdictions to secure and expend federal funds in accordance with the intent of that federal act and this chapter, and to coordinate with local law enforcement agencies' community policing efforts.

SEC. 2. Section 2331 of the Streets and Highways Code, as amended by Section 2 of Chapter 392 of the Statutes of 2004, is repealed.

SEC. 3. Section 2333 of the Streets and Highways Code, as amended by Section 3 of Chapter 392 of the Statutes of 2004, is amended to read:

2333. In each annual proposed budget prepared pursuant to Section 165, there shall be included an amount equal to the estimated apportionment available from the federal government for the programs described in Sections 2331 and 2333.5. The commission may allocate a portion of those funds each year for use on city streets and county roads. It is the intent of the Legislature that the commission allocate the total funds received from the federal government under Section 148 of Title 23 of the United States Code in approximately equal amounts between state highways and local roads. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part, by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine that share pursuant to this section.

SEC. 4. Section 2333 of the Streets and Highways Code, as amended by Section 4 of Chapter 392 of the Statutes of 2004, is repealed.

SEC. 5. Section 2333.5 of the Streets and Highways Code is amended to read:

2333.5. (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a "Safe Routes to School" construction program for construction of bicycle and pedestrian safety and traffic calming projects.

(b) The department shall award grants to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

- (1) Demonstrated needs of the applicant.
- (2) Potential of the proposal for reducing child injuries and fatalities.
- (3) Potential of the proposal for encouraging increased walking and bicycling among students.
- (4) Identification of safety hazards.
- (5) Identification of current and potential walking and bicycling routes to school.

(6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders.

(c) Any annual budget allocation to fund grants described in subdivision (b) shall be in addition to any federal funding received by the state that is designated for “Safe Routes to School” projects pursuant to Section 1404 of SAFETEA-LU or any similar program funded through a subsequent transportation act.

(d) Any federal funding received by the state that is designated for “Safe Routes to School” projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.

(e) Prior to the award of any construction grant or the department’s use of those funds for a “Safe Routes to School” construction project encompassing a freeway, state highway or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the “Safe Routes to School” proposal compliments the California Highway Patrol’s Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(f) The department is encouraged to coordinate with law enforcement agencies’ community policing efforts in establishing and maintaining the “Safe Routes to School” construction program.

SEC. 6. Section 2333.6 is added to the Streets and Highways Code, to read:

2333.6. (a) Consistent with applicable laws governing the encumbrance and expenditure of funds, the department may administer the competitive grant program authorized under Section 2333.5, as amended by Chapter 392 of the Statutes of 2004, for purposes of awarding grants, and encumbering and expending any funds allocated by the commission during the 2006–07 and 2007–08 fiscal years pursuant to Section 2333 as amended by that chapter.

(b) For any funds allocated by the commission during the 2006–07 and 2007–08 fiscal years pursuant to Section 2333, as amended by Section 3 of Chapter 392 of the Statutes of 2004, the department may substitute State Highway Account funds in accordance with the department’s policy for state funding in place at the time of the project fund allocation, if those

federal funds are directed to projects on state highways that are eligible for funding under Section 148 of Title 23 of the United States Code.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is chaptered before January 1, 2013, deletes or extends that date.

O